

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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KING DRUG COMPANY OF FLORENCE, INC.,	:	CIVIL ACTION
<u>et al.</u> ,	:	
Plaintiffs,	:	
v.	:	No. 2:06-cv-1797
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	
	:	
VISTA HEALTHPLAN, INC., <u>et al.</u> ,	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	No. 2:06-cv-1833
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	
	:	
APOTEX, INC.,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	No. 2:06-cv-2768
CEPHALON, INC., <u>et al.</u> ,	:	
Defendants.	:	
	:	

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**ORDER**

**AND NOW**, this 11th day of August, 2015, it is hereby **ORDERED** that:

1. On or before **October 14, 2015**, counsel for each party shall serve upon counsel for every other party:
  - (a) a copy of each exhibit the party expects to offer at trial, together with an index of all trial exhibits; and
  - (b) proposed stipulations.

2. No later than **October 28, 2015**, the parties shall file their pre-trial memoranda. The pretrial memoranda shall be prepared in conformance with Local Rule of Civil Procedure 16.1(c), and shall also include the following information:
  - (a) the identity of each fact witness to be called at trial with a brief statement of the nature of the expected testimony (witnesses not listed may not be called by that party in its case-in-chief);
  - (b) the identity of each expert witness to be called at trial with a brief statement of each opinion to be offered by the expert;
  - (c) designation of videotaped trial testimony and deposition testimony to be offered at trial;
  - (d) stipulations, if any;
  - (e) objections to and the grounds for the objections to the admissibility of any item of evidence including exhibits expected to be offered by another party; and
  - (f) a statement of any anticipated legal issues on which the Court will be required to rule.
3. No later than **November 11, 2015**, any party objecting to deposition testimony shall file the objections, setting forth the page and line numbers of the challenged testimony and a clear statement for the basis for each objection. The objecting party must provide the Court with a copy of the portions of the deposition transcript with the challenged testimony highlighted.
4. Motions in limine shall be filed no later than **November 25, 2015** with responses in opposition to be submitted no later than **December 16, 2015**. Motions in

limine shall include objections to and the grounds for the objections to the admissibility of any item of evidence, including exhibits, to be offered by another party.

5. No later than **January 11, 2016**, the parties shall file joint proposed jury instructions on substantive issues, as well as proposed verdict forms and special interrogatories to the jury. Each party also shall file proposed jury instructions, verdict forms and special interrogatories on those issues not agreed upon by the parties. Each jury instruction shall be submitted on a separate sheet of paper, double-spaced, with references to citations and pattern jury instructions where appropriate.
6. Prior to the final pre-trial conference, counsel shall confer regarding stipulations and exhibits. Counsel shall resolve, if possible, objections to exhibits and witnesses.
7. A final pre-trial conference will be held on **Tuesday, January 19, 2016 at 10:00 a.m.** in a Courtroom to be assigned. Counsel shall supply the Court with a tabbed exhibit binder and exhibit index. Additional binders shall also be prepared for the Deputy Clerk and for use with witnesses.
8. At the final pre-trial conference, counsel shall be prepared to argue pending motions *in limine* and objections to witnesses and exhibits.
9. This case will be listed for the liability phase of trial on **Tuesday, February 2, 2016 at 10:00 a.m.**, in a Courtroom to be assigned. Counsel and all parties shall be prepared to commence trial on that date. All counsel are attached for trial.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**